



Ohio Board of Nursing

www.nursing.ohio.gov

17 S. High Street, Suite 660 • Columbus, Ohio 43215-3466 • 614-466-3947

I certify that the attached records are a true copy of Ohio Board of Nursing disciplinary records.

Betsy J. Houchen

Betsy Houchen, R.N., M.S., J.D.
Executive Director





Ohio Board of Nursing

www.nursing.ohio.gov

17 South High Street, Suite 400 • Columbus, Ohio 43215-7410 • (614) 466-3947

BEFORE THE OHIO BOARD OF NURSING

IN THE MATTER OF:

CASE # 2014-005974

MAXINE SUSAN YAGED, RN, CNM

ORDER

On May 15, 2015, the Ohio Board of Nursing issued a Notice of Opportunity for Hearing to **MAXINE SUSAN YAGED, RN, CNM**, informing her that the Board intended to consider disciplinary action regarding **MS. YAGED's** license and certificate to practice nursing as a registered nurse and certified nurse midwife in the State of Ohio, and that **MS. YAGED** was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice.

In accordance with Section 119.07, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, to the address of record of **MS. YAGED**. The notice was returned to the Board because **MS. YAGED** failed to claim it. The Board sent the notice via ordinary mail and obtained a certificate of mailing on January 24, 2015. The notice has not been returned to the Board showing failure of delivery.

No hearing request has been received from **MS. YAGED** and more than thirty (30) days have now elapsed since the mailing of the notice.

Upon consideration of the charges stated against **MAXINE SUSAN YAGED** in the May 15, 2015 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MS. YAGED** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing **ORDERS** that **MS. YAGED's** license and certificate to practice nursing as a registered nurse and certified nurse midwife are hereby suspended for an indefinite period of time with the conditions for reinstatement set forth below, and that following reinstatement, **MS. YAGED's** license and certificate to practice nursing as a registered nurse and certified nurse midwife shall be subject to a stayed suspension under the probationary terms and restrictions set forth below for a minimum period of one (1) year.

REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT

1. **MS. YAGED** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. YAGED** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.
3. **Prior to requesting reinstatement by the Board, MS. YAGED** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MS. YAGED**, including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MS. YAGED's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.
4. **Prior to requesting reinstatement by the Board, MS. YAGED** shall submit documentation of her full compliance with the terms and conditions imposed by the and Order issued by the West Virginia State Board of Examiners for Registered Professional Nurses to **MS. YAGED**, dated September 14, 2012, and that her West Virginia license is fully reinstated and unencumbered.

Monitoring

5. **MS. YAGED** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. YAGED's** history. **MS. YAGED** shall self-administer the prescribed drugs only in the manner prescribed.
6. **MS. YAGED** shall abstain completely from the use of alcohol or any products containing alcohol.
7. **Prior to requesting reinstatement by the Board, MS. YAGED** shall, at her expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MS. YAGED** shall provide the chemical dependency professional with a copy of this Order and the Notice of Opportunity for Hearing. Further, **MS. YAGED** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MS. YAGED's** license and certificate, and a statement as to whether **MS. YAGED** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.
8. **MS. YAGED** shall provide the Board with satisfactory documentation of compliance

with all aspects of the treatment plan developed by the chemical dependency professional described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms and restrictions on **MS. YAGED's** license and certificate.

9. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MS. YAGED** shall submit, at her expense and on the day selected, blood, breath, hair or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Upon and after **MS. YAGED's** initiation of drug screening, refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license and certificate for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. YAGED** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. YAGED's** history.
10. Within thirty (30) days prior to **MS. YAGED** initiating drug screening, **MS. YAGED** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers and cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. YAGED**.
11. After initiating drug screening, **MS. YAGED** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner. Further, **MS. YAGED** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.
12. **For a minimum, continuous period of six (6) months immediately prior to requesting reinstatement, MS. YAGED** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. YAGED** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

Reporting Requirements of MS. YAGED

13. **MS. YAGED** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the Board.
14. **MS. YAGED** shall submit any and all information that the Board may request regarding her ability to practice nursing according to acceptable and prevailing standards of safe nursing practice.

15. **MS. YAGED** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
16. **MS. YAGED** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
17. **MS. YAGED** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
18. **MS. YAGED** shall verify that the reports and documentation required by this Order are received in the Board office.
19. **MS. YAGED** shall inform the Board within five (5) business days, in writing, of any change in address and/or telephone number.

DURATION

The Board may only alter the indefinite suspension imposed if: (1) **MS. YAGED** submits a written request for reinstatement; (2) the Board determines that **MS. YAGED** has complied with all conditions of reinstatement; and (3) the Board determines that **MS. YAGED** is able to practice nursing according to acceptable and prevailing standards of safe nursing care based upon an interview with **MS. YAGED** and review of the documentation specified in this Order.

Following reinstatement, the suspension shall be stayed and MS. YAGED's license and certificate shall be subject to the following probationary terms and restrictions for a minimum period of one (1) year.

1. **MS. YAGED** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MS. YAGED** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.

Monitoring

3. **MS. YAGED** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. YAGED's** history. **MS. YAGED** shall self-administer prescribed drugs only in the manner prescribed.
4. **MS. YAGED** shall abstain completely from the use of alcohol or any products containing alcohol.

5. During the probationary period, **MS. YAGED** shall submit, at her expense and on the day selected, blood, breath, hair or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Refusal to submit such specimen, or failure to submit such specimen on the day she is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license and certificate for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MS. YAGED** shall be negative, except for substances prescribed, administered, or dispensed to her by another so authorized by law who has full knowledge of **MS. YAGED's** history.
6. **MS. YAGED** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MS. YAGED** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

Treating Practitioners and Reporting

7. Within sixty (60) days of the execution of the probationary period, **MS. YAGED** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers. Further, **MS. YAGED** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.
8. **MS. YAGED** shall cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MS. YAGED** throughout the duration of this Order.
9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MS. YAGED** shall notify the Board of any and all medication(s) or prescription(s) received.

Employment Conditions

10. Prior to accepting employment as a registered nurse or certified nurse midwife, each time with every employer, **MS. YAGED** shall **notify the Board, in writing**.
11. **MS. YAGED** is under a continuing duty to provide a copy of this Order and the Notice of Opportunity for Hearing to any new employer **prior to accepting employment as a registered nurse or certified nurse midwife**. **MS. YAGED** shall have her employer(s), if working in a position where a license and certificate to practice nursing is required, submit written reports regarding job performance on a quarterly basis **beginning within thirty (30) days of accepting employment as a registered nurse or certified nurse**

midwife. MS. YAGED shall have her employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and the Notice of Opportunity for Hearing, including the date they were received.

12. **Upon the request of the Board or its designee, MS. YAGED** shall, **prior to working in a position where a license and/or certificate to practice nursing is required**, complete and submit satisfactory documentation of completion of a registered nurse or certified nurse midwife refresher course or an extensive orientation approved in advance by the Board or its designee.

Reporting Requirements of MS. YAGED

13. **MS. YAGED** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
14. **MS. YAGED** shall submit any and all information that the Board may request regarding her ability to practice nursing according to acceptable and prevailing standards of safe nursing practice.
15. **MS. YAGED** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
16. **MS. YAGED** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.
17. **MS. YAGED** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
18. **MS. YAGED** shall verify that the reports and documentation required by this Order are received in the Board office.
19. **MS. YAGED** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.

FAILURE TO COMPLY

The stay of **MS. YAGED's** suspension shall be lifted and **MS. YAGED's** license and certificate to practice nursing as a registered nurse and certified nurse midwife will be automatically suspended if it appears to the Board that **MS. YAGED** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MS. YAGED** via certified mail of the specific nature of the charges and automatic suspension of her license and certificate. Upon receipt of this notice, **MS. YAGED** may request a hearing

regarding the charges.

DURATION

The Board may only alter the probationary period imposed by this Order if: (1) the Board determines that **MS. YAGED** has complied with all aspects of this Order; and (2) the Board determines that **MS. YAGED** is able to practice nursing according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MS. YAGED** and review of the reports as required herein. Any period during which **MS. YAGED** does not work in a position for which a license and certificate to practice nursing is required shall not count toward fulfilling the probationary period imposed by this Order.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 21st day of January, 2016.

TIME AND METHOD TO PERFECT AN APPEAL

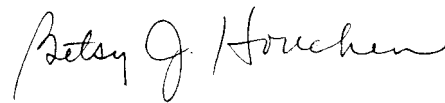
Any party desiring to appeal shall file a Notice of Appeal with the Ohio Board of Nursing, 17 S. High St., Suite 400, Columbus OH 43215-7410, setting forth the order appealed from and stating that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The notice of appeal may, but need not, set forth the specific grounds of the party's appeal.

A copy of such Notice of Appeal shall also be filed by the appellant with the Franklin County Court of Common Pleas, Columbus, Ohio. In filing a notice of appeal with the agency or court, the notice that is filed may be either the original notice or a copy of the original notice. Such notices of appeal shall be filed within fifteen (15) days after the mailing of the notice of the Ohio Board of Nursing's Order as provided in Section 119.12 of the Ohio Revised Code.

CERTIFICATION

The State of Ohio
County of Franklin

I, the undersigned Betsy J. Houchen, Executive Director for the Ohio Board of Nursing, hereby certify that the foregoing is a true and exact reproduction of the original Order of the Ohio Board of Nursing entered on its Journal, on the 21st day of January, 2016.



Betsy J. Houchen, R.N., M.S., J.D.
Executive Director

January 21, 2016
Date

(SEAL)

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Order, concerning **MAXINE SUSAN YAGED**, was sent via certified mail, return receipt requested, this 8th day of February, 2016 to **MAXINE SUSAN YAGED**, at the following address: 3126 Ferguson Road, Huntington, WV 25705.

I also certify that a copy of the same was sent via regular U.S. mail this 8th day of February, 2016 to Lamont Pugh, SAC, Sanctions & Exclusions, Department of Health and Human Services, Office of Inspector General, Office of Investigations, P.O. Box 81020, Chicago, IL 60601-81020.



Betsy J. Houchen, R.N., M.S., J.D.
Executive Director

adb

cc: Henry G. Appel, Principal Assistant Attorney General

Certified Mail Receipt No. 7015 3010 0001 6961 3096



Ohio Board of Nursing

www.nursing.ohio.gov

17 South High Street, Suite 400 • Columbus, Ohio 43215-7410 • (614) 466-3947

May 15, 2015

NOTICE OF OPPORTUNITY FOR HEARING

Maxine Susan Yaged, R.N., C.N.M.
3126 Ferguson Road
Huntington, WV 25705

Dear Ms. Yaged:

In accordance with Chapter 119. of the Ohio Revised Code (ORC), you are hereby notified that the Ohio Board of Nursing (Board) proposes under the authority of Section 4723.28, ORC, to deny, permanently revoke, revoke, suspend or place restrictions on your license to practice nursing as a registered nurse and your certificate of authority to practice as a certified nurse midwife in Ohio; reprimand or otherwise discipline you; or impose a fine of not more than five hundred dollars (\$500.00) per violation for the following reasons:

1. On or about September 14, 2012, you and the State of West Virginia Board of Examiners for Registered Professional Nurses (West Virginia Board) entered into a Consent Agreement in which you surrendered your licenses to practice as a registered professional nurse and as a nurse midwife in West Virginia and your West Virginia licenses were then placed on probation for a fifteen (15) month period (West Virginia Board 2012 Order). Further, on or about November 12, 2014, the West Virginia Board issued a letter in which your West Virginia license to practice as a registered professional nurse was suspended (West Virginia 2014 Suspension Letter). *A copy of the West Virginia Board 2012 Order and the West Virginia Board 2014 Suspension Letter are attached hereto and incorporated herein.*

Section 4723.28(B)(1) *[as in effect prior to March 20, 2013]*, ORC, authorizes the Board to deny a license and/or a certificate(s) or otherwise discipline a licensee and/or a certificate holder for denial, revocation, suspension, or restriction of authority to practice a health care occupation, including nursing, for any reason other than a failure to renew, in Ohio or another state or jurisdiction.

Section 4723.28(B)(1), ORC, authorizes the Board to deny a license and/or a certificate or otherwise discipline a licensee and/or a certificate holder for denial, revocation, suspension, or restriction of authority to engage in a licensed profession or practice a health care occupation, including nursing, for any reason other than a failure to renew, in Ohio or another state or jurisdiction.

Accordingly, the Board is authorized to impose one or more of the sanctions as cited in Section 4723.28 ORC.



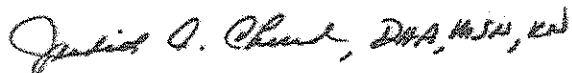
In accordance with Chapter 119, ORC, you are hereby informed that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the Board office within thirty (30) days of the time of mailing of this notice.

You are hereby further informed that, if you timely request a hearing, you are entitled to appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the Board, or you may present your position, arguments, or contentions in writing. At the hearing you may also present evidence and examine witnesses appearing for and against you.

Should you choose to request a hearing, please mail or deliver the request, in addition to any other correspondence regarding this matter, to: **Hearing Requests/Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410, or to the email address, hearing@nursing.ohio.gov.**

If the Board fails to receive a request for a hearing within thirty (30) days of the time of mailing of this notice, the Board may, in your absence and upon consideration of the factual and legal allegations set forth in this Notice of Opportunity for Hearing, deny, permanently revoke, revoke, suspend or place restrictions on your license to practice nursing as a registered nurse and your certificate of authority to practice as a certified nurse midwife; reprimand or otherwise discipline you; or impose a fine of not more than five hundred dollars (\$500.00) per violation.

Sincerely,



Judith A. Church, D.H.A., M.S.N., R.N.
Supervising Board Member

Certified Mail Receipt No. 7014 2120 0004 4514 8113

cc: Henry G. Appel, Principal Assistant Attorney General

Laura S. Rhodes, M.S.N., R.N.
Executive Director



email: rnboard@wv.gov
web address: www.wvrnboard.com

TELEPHONE:

(304) 558-3596

FAX (304) 558-3666

STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES
101 Dee Drive, Suite 102
Charleston, WV 25311-1620

February 13, 2015

Ohio Board of Nursing
ATTENTION: Tami Earles
Compliance Unit - Suite 400
17 South High Street
Columbus, OH 43215-7410

RECEIVED
OHIO BOARD OF NURSING
2015 FEB 17 PM 3:39

I, LAURA SKIDMORE RHODES, RN, MSN, EXECUTIVE DIRECTOR

of the West Virginia Board of Examiners for Registered Professional Nurses do hereby
certify that the attached documents, all in the matter of Maxine Yaged, Registered
Professional Nurse, License Number 52037 are true and correct copies of said
documents as they appear among the files and records of this office.

Witness my hand and seal of the Board of Nursing this 13th day of February, 2015.

BOARD OF NURSING

By: Laura Skidmore Rhodes
Laura Skidmore Rhodes, RN, MSN
Executive Director

Laura S. Rhodes, M.S.N., R.N.
Executive Director

email: mboard@wv.gov
web address: www.wvnmboard.com



TELEPHONE:
(304) 558-3596
(304) 558-3728
FAX: (304) 558-3666

STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES
101 Dee Drive, Suite 102
Charleston, WV 25311-1620

November 12, 2014

MAXINE YAGED
3126 FERGUSON RD
HUNTINGTON WV 25705-

Re: Suspension
License No. 52037

RECEIVED
OHIO BOARD OF NURSING
2015 FEB 17 PM 3:39

Dear Ms. YAGED:

This letter is to inform you your license to practice registered professional nursing is **SUSPENDED**. Return the license presently in your possession to this office immediately in the envelope enclosed.

Board records indicate your license lapsed on October 31, 2014. Therefore you violated your probation consent agreement.

Your license is **SUSPENDED** and will be reported as such upon inquiry to this office. You may not practice as a registered professional nurse in the State of West Virginia without a valid active license to do so.

Refer to the section Violation of Terms found on page five (5) of the Consent Agreement for information regarding the reinstatement of your license. Should you have any questions or require further information please contact me at this office.

Should you have any questions or desire further information please contact this office and speak with me.

For the Board,

A handwritten signature in cursive script that reads "Laura Skidmore Rhodes".

Laura Skidmore Rhodes, RN, MSN
Executive Director

xc: file

**WEST VIRGINIA STATE BOARD OF EXAMINERS
FOR REGISTERED PROFESSIONAL NURSES
IN THE MATTER OF MAXINE YAGED**

Comes now MAXINE YAGED ("YAGED") and the West Virginia Board of Examiners for Registered Professional Nurses ("Board"), for the purpose of determining what disciplinary action should be taken against YAGED by the Board pursuant to West Virginia Code §30-7-1, *et seq.* (1993). As reflected in this document, YAGED has admitted to the stipulations set forth herein, and moves the Board to consider these stipulations and the terms of the accompanying proposed agreement, and enter an ORDER accepting the proposed terms set forth below.

STIPULATIONS

1. YAGED was issued and now holds registered professional nursing license number 52037, issued by the Board on March 20, 1996.
2. YAGED was issued and now holds West Virginia Nurse Midwife license number 95, issued by the Board on July 1, 2004.
3. On November 3, 2009, YAGED self-reported to the Board that she had exceeded the professional boundary of a health care provider-patient relationship and that she was entering into a treatment program. YAGED thereafter completed a series of treatment programs and her supervising advisors thereafter and through the present have expressly concluded and informed this Board that she poses no risk of harm to patients and that she is capable of providing professional health care services, including those of an advanced nurse practitioner/midwife.
4. YAGED surrendered her licenses to the Board on November 23, 2009.
5. YAGED acknowledges that her professional boundary violation was improper and violative of West Virginia Code § 30-7-11 (c) and (f), West Virginia Code of State Regulations §19-10-2.5.2 and that she is subject to discipline for which this agreement is based.

**WEST VIRGINIA STATE BOARD OF EXAMINERS
FOR REGISTERED PROFESSIONAL NURSES
IN THE MATTER OF MAXINE YAGED**

CONCLUSIONS OF LAW

The West Virginia Board of Examiners for Registered Professional Nurses concludes that the stipulations support the sanction of disciplinary action pursuant to West Virginia Code §30-7-1, et seq. pertaining to the practice of registered professional nursing and advanced nursing practice, including midwifery. Specifically, the stipulations support sanctions under the following sections of the West Virginia Code:

- a. West Virginia Code §30-7-11(c), which states that a licensee may be disciplined upon proof that he or she [i]s unfit or incompetent by reason of negligence, habits or other causes; and
- b. West Virginia Code §30-7-11(f), which states that a licensee may be disciplined upon proof that he or she [i]s guilty of conduct derogatory to the morals or standing of the profession of registered nursing.

CONSENT

YAGED, by affixing her signature hereon, agrees to the following:

1. She acknowledges that she is aware of her option to retain legal counsel and to be represented by legal counsel at a formal hearing before the Board.
2. She intelligently and voluntarily waives her right to a formal hearing before the Board in this matter, if the Board accepts the terms and conditions set forth herein and joins with her in executing this agreement.
3. She acknowledges that she is fully aware that without her consent, no legal action can be taken against her by this Board, except pursuant to West Virginia Code §30-7-1, et seq. and relevant rules.
4. She submits this proposed agreement freely and voluntarily and not under duress, restraint or compulsion.
5. She agrees that the Board may investigate her background at any time during the term of this agreement.
6. She consents to the entry of the following order affecting her licenses to practice registered professional nursing and advanced nurse practice/midwifery in the State of West Virginia.

**WEST VIRGINIA STATE BOARD OF EXAMINERS
FOR REGISTERED PROFESSIONAL NURSES
IN THE MATTER OF MAXINE YAGED**

7. She understands that the Board may accept or reject the facts and terms set forth in this proposed agreement, and may impose revocation or other conditions of a disciplinary nature as are deemed appropriate.

ORDER

On the basis of the foregoing, the Board hereby ORDERS that registered professional nursing license number 52037 and advanced nurse practice/midwife license number 95, issued to YAGED, be suspended for the period of twenty one (21) months (which constitutes the time period from which YAGED self-reported and ceased practicing as a registered nurse/nurse midwife). This suspension is hereby stayed contingent upon YAGED complying with the terms set forth below, and license number 52037 and midwife license number 95 are placed upon probation for a period of fifteen (15) months of employment as a registered professional nurse/nurse midwife. The computation of the fifteen (15) month period is to begin on the date on which notice is received in the office of the Board that YAGED is employed as a registered professional nurse (inclusive of staff registered nurse and/or nurse midwife) and shall run only during such time that she is employed as a registered professional nurse/nurse midwife on at least a permanent part-time basis (forty (40) hours every two (2) weeks) or full time basis in the State of West Virginia. The Board also ORDERS YAGED pay a fine and administrative costs in the amount of One Thousand Dollars (\$1000.00).

To receive and maintain these probationary licenses, regardless of employment status, YAGED shall meet the following conditions.

General:

1. YAGED shall not violate the provisions of West Virginia Code §30-7-1, et seq.
2. YAGED, having previously surrendered her licenses shall be provided with new licenses which she shall remit to the Board immediately upon violation of any terms of this Agreement.
3. YAGED shall not commit any act which would be a crime under West Virginia or federal law. If YAGED is charged by any law enforcement agency with committing any such criminal act, she shall notify the Board in writing of the formal charge(s) against her, and resolution of the same.
4. YAGED shall maintain a current and active registered professional nursing and nurse midwife license with the State of West Virginia. She shall not allow either license to lapse or be placed on an inactive status.
5. YAGED shall not, under any circumstances, misrepresent her licensure status.

**WEST VIRGINIA STATE BOARD OF EXAMINERS
FOR REGISTERED PROFESSIONAL NURSES
IN THE MATTER OF MAXINE YAGED**

6. YAGED shall not be employed by a nursing registry, temporary nursing agency, home health care agency, or as a private duty nurse.
7. YAGED shall not work in an autonomous nursing position. She shall work only under the direct supervision of a registered professional in a structured setting throughout the term of her probation. Such supervising registered professional nurse must, at the time of said supervision, hold an active, unencumbered West Virginia license. If YAGED is employed as a nurse midwife/nurse practitioner she shall work only under the direct supervision of a licensed physician pursuant to a collaborative agreement and be in full compliance with West Virginia Code §30-15-7 throughout the term of her probation. YAGED shall only assess a patient in the presence of another healthcare provider during the first six (6) months of this agreement.
8. During the term of probation, YAGED shall inform the Board in writing within ten (10) days of the date she assumes the practice of registered professional nursing, certified nurse midwifery/advanced nursing practice or any employment in the health care field, in the State of West Virginia and shall include the name, address, and telephone number of her employer. She shall provide in writing the name of her immediate registered professional nurse supervisor or supervising physician. YAGED shall inform the Board of any interruption in her health care employment within ten (10) days of such interruption or changed (unless exigent circumstances such as hospitalization for serious injury or potential death would occur).
9. YAGED shall immediately inform her health care employer, any prospective health care employer, and the director of any nursing education program in which YAGED would enroll, teach, or work as instructor, that the Board has placed her license on probation, and shall provide a complete copy of this agreement to any employing entity that hires her. The Board may provide her employer(s) with a copy of this agreement and may communicate directly with that employer without prior notice to YAGED during the term of probation.
10. During the term of probation, YAGED shall, within ten (10) days of employment or continuation of practice, cause her employer, supervising physician or immediate registered professional nurse supervisor, to notify the Board, in writing, of the employer or supervisor's receipt of a copy of this agreement. During the probationary period, YAGED shall further cause her employer or supervisor to submit quarterly reports to the Board, in the form specified by the Board, describing YAGED's job performance, attendance, attitude, and other work behaviors during the fifteen (15) month probationary period.
11. YAGED shall submit documentation of fifteen (15) contact hours of continuing education in professional boundaries within the fifteen (15) month probationary period, in addition to those required by law.
12. YAGED shall report in person for appointment with the Board staff upon request.

Rehabilitative:

{F0511949.2}

**WEST VIRGINIA STATE BOARD OF EXAMINERS
FOR REGISTERED PROFESSIONAL NURSES
IN THE MATTER OF MAXINE YAGED**

13. YAGED shall continue her participation in her professional aftercare program with her Board approved therapist/counselor. The treating counselor/therapist shall make a monthly report to the Board about YAGED's progress and her compliance with aftercare. YAGED shall visit her approved counselor/therapist at least one (1) time per month during the term of this agreement. This requirement may be modified upon request to the Board by YAGED's counselor/therapist.

14. YAGED shall abstain from the use of alcohol¹ and limit her use of drugs to those prescribed for a legitimate purpose by a physician, dentist or nurse practitioner duly licensed in the State of West Virginia. YAGED shall provide a copy of this agreement to any prescribing physician, dentist, or nurse practitioner. YAGED shall cause her physician, dentist, or nurse practitioner to notify the Board in writing of any medications/drugs prescribed and the conditions for which said drug(s) has been prescribed. YAGED agrees that, if she accepts a prescription for narcotic or psychotropic drugs, the Board may impose additional probationary terms.

15. YAGED shall coordinate any health care services she requires with one physician or registered nurse practitioner, who shall be informed of any services or prescriptions sought or obtained by YAGED from any physician, dentist or nurse practitioner. YAGED shall provide this individual, who serves as her point of contact for health care needs, with a copy of this agreement.

16. YAGED shall execute a release to permit the Board to obtain medical or other health care records, which may be requested at any time while her license is on probation, regarding her physical or mental health and any treatment rendered.

17. YAGED shall, quarterly during the fifteen (15) month probationary period, submit to the Board a written personal statement regarding progress in recovery. These statements likewise shall be confidential as part of YAGED's health rehabilitation.

Violation of Terms:

17. Any deviation from these requirements without prior written consent of the Board shall constitute a violation of this Order, and result in immediate suspension of YAGED's probationary license.

18. The Board shall immediately notify YAGED via certified mail of the specific nature of the charges, and the suspension of her license.

- a. YAGED may request reinstatement of her probationary license through renewal of this agreement, or execution of a new agreement, which may contain different or additional terms. The Board is not bound to comply with this request.

This provision shall not restrict YAGED's ability to participate in those religious rituals of her Jewish faith which require the consumption of limited amounts of alcohol.

(F0511949.2)

**WEST VIRGINIA STATE BOARD OF EXAMINERS
FOR REGISTERED PROFESSIONAL NURSES
IN THE MATTER OF MAXINE YAGED**

- b. If the Board does not accept a renewed or new agreement, YAGED shall be notified in writing. YAGED may request a hearing to seek reinstatement of her probationary license. If YAGED requests a hearing following suspension for violations of this agreement and does not prevail, the cost incurred in holding such hearing shall be borne by YAGED. If YAGED prevails, the cost of such hearing shall be borne by the Board. Cost shall refer only to the expense of employing a court reporter and hearing examiner for the purpose of the hearing, and shall not include any legal or other fees incurred by the Board or YAGED in bringing the matter to hearing.
- c. The Board may schedule a hearing on its own initiative for the purpose of allowing the Board opportunity for considering further suspension or revocation of YAGED's license. Said hearing shall be scheduled in accordance with the provisions of West Virginia Code §30-1-8 and §30-1-7, *et seq.* The Board shall bear the cost if it should seek a hearing following suspension of YAGED's probationary license for violation of this agreement. Cost shall refer only to the expense of employing a court reporter and hearing examiner for the purpose of the hearing, and shall not include any legal or other fees incurred by YAGED in bringing the matter to the hearing.

Modification of Terms:

19. If YAGED is proceeding successfully in meeting the terms of her probation, she may petition the Board after no less than nine (9) months from the execution of this agreement for a modification of the terms of the agreement. In the event that the Board finds that YAGED has made significant progress, based upon all information available, the Board may, at its discretion, alter or amend certain provisions of this agreement.

Petition for Reinstatement:

20. Following the fifteen (15) month probationary period, YAGED may petition to appear before the Board and submit satisfactory evidence that she is presently able to safely engage in the practice of registered professional nursing and nurse midwifery. Evidence in support of this request shall include:


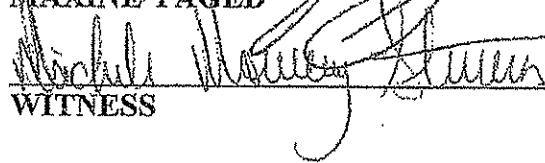
- a. Letter of reference from a physician/therapist involved in YAGED'S aftercare;
- b. Letter of reference from YAGED's employer, if employed;
- c. Letter from YAGED outlining her future plans; and
- d. Payment of all fines and administrative costs.

However, the terms of this Order shall remain in effect and subject to yearly review and appropriate revision by the Board until such time as YAGED's license is fully reinstated by the Board.

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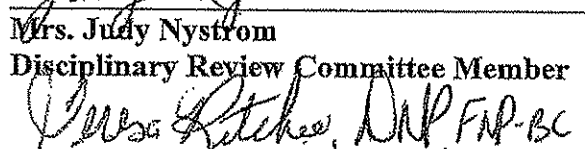
WEST VIRGINIA STATE BOARD OF EXAMINERS
FOR REGISTERED PROFESSIONAL NURSES
IN THE MATTER OF MAXINE YAGED

WHEREFORE, YAGED hereby requests that the Board accept the stipulations and impose sanctions in accordance with West Virginia Code §30-7-1, et seq.

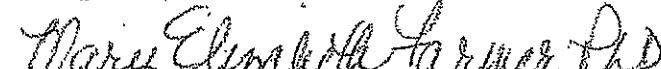

MAXINE YAGED

WITNESS

Aug 6, 2012
DATE
08/06/12
DATE

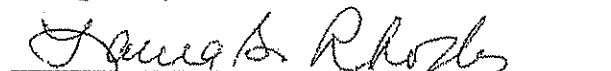
Agreed to:


Mrs. Judy Nystrom
Disciplinary Review Committee Member

Teresa Ritchie, RN, MSN, FNP
Disciplinary Review Committee Member

9-4-12
DATE
9-7-12
DATE


Mary Elizabeth Farmer, Ph.D.
Disciplinary Review Committee Member

9-12-12
DATE


Laura S. Rhodes, RN, MSN
Executive Director
West Virginia Board of Examiners
For Registered Professional Nurses

9.14.12
DATE

ENTERED: This the 14 day of Sept, 2012.

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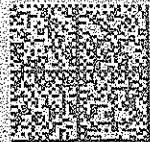
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4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

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